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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 FRANCINE SCOLARO,

10 Plaintiff,

11 vs.

12 THE VONS COMPANIES, INC.,

13 Defendant.

Case No. 2:17-cv-01979-JAD-VCF

14 **STIPULATION AND ORDER TO CONTINUE *DAUBERT* HEARING**
15 **(SECOND REQUEST)**

16 Defendant The Vons Companies, Inc. (“Defendant”), by and through its counsel of record,
17 the law firm of BACKUS, CARRANZA & BURDEN, and Plaintiff Francine Scolaro (“Plaintiff”), by
18 and through her counsel of record, the law firm of BLACK & LOBELLO, hereby state, stipulate and
agree as follows:

- 19 1. On December 27, 2019, the Court issued an Order Overruling Plaintiff’s Objection,
20 Denying Defendant’s Motion for Partial Summary Judgment, and Deferring Ruling on
21 Motion in Limine (ECF No. 56) in which the Court ordered, among other things, that a
22 *Daubert* hearing is set for January 17, 2020, at 9 a.m. to determine the admissibility
23 and reliability of Plaintiff’s expert, Kimberly Ann Phillips’ causation opinion.
- 24 2. On January 2, 2020, Plaintiff filed a Motion for Continuance of *Daubert* Hearing (First
25 Request) (ECF No. 57) requesting that the *Daubert* hearing be continued as Ms.

1 Phillips was unavailable on January 17, 2020 due to previously arranged travel plans.

2 3. On January 8, 2020, Defendant filed a Notice of Non-Opposition to Plaintiff's Motion
3 for Continuance of *Daubert* Hearing (First Request) (ECF No. 58) stating that
4 Defendant has no opposition to Plaintiff's request to continue the *Daubert* hearing and
5 provided the Court with defense counsel's unavailable dates. However, defense
6 counsel inadvertently omitted February 7, 2020 as an unavailable date and he is going
7 to be out of town on that date.

8 4. On January 9, 2020, the Court issued a Minute Order continuing the *Daubert* hearing
9 to February 7, 2020 at 9:30 a.m.

10 5. As defense counsel is unavailable on February 7, 2020, the parties respectfully request
11 that the Court continue the *Daubert* hearing to a date and time after February 7, 2020.
12 Both counsel and Ms. Phillips are available on February 10, 13, and 14.

13 6. The parties agree and stipulate to the foregoing in good faith and not for purposes of
14 delay.

15 IT IS SO STIPULATED.

16
17 DATED this 28th day of January, 2020.

DATED this 28th day of January, 2020.

18 **BACKUS, CARRANZA & BURDEN**

BLACK & LOBELLO

19 /s/ Jack P. Burden

/s/ Steve Mack

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ORDER

Upon review of the Stipulation by the parties, and good cause appearing therefore, the Court hereby orders as follows:

IT IS HERBY ORDERED that the *Daubert* hearing currently set for February 7, 2020 is VACATED and CONTINUED to February 13, 2020, at 9:30 a.m.

DATED this 31st day of January, 2020.



DISTRICT COURT JUDGE